

MEETINGS TO DATE 33  
NO. OF REGULARS 22  
NO. OF SPECIALS 11

LANCASTER, NEW YORK  
NOVEMBER 17, 1992

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 17th day of November 1992 at 7:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN  
THOMAS H. VAN NORTWICK, COUNCILMAN  
LUCIAN J. GRECO, SUPERVISOR

ABSENT: PATRICK C. PORORSKI, COUNCILMAN

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
JOSEPH F. REINA, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR

PURPOSE OF MEETING:

This meeting was held for the purpose of obtaining public input regarding the regulation of stone crushing and washing operations within the Town of Lancaster.

The following is a stenographic transcript of the proceedings:

**PRESENT:**

**LUCIAN GRECO, Supervisor,  
ROBERT H. GIZA, Councilman,  
DONALD E. KWAK, Councilman,  
THOMAS H. VAN NORTWICK, Councilman,  
ROBERT P. THILL, Town Clerk,  
JOSEPH F. REINA, Town Attorney,**

**MARIA KURBIEL, Court Reporter.**

**MR. GRECO:** We can begin, there will be other town board members probably coming in any minute. I am Lucian Greco, the Town Supervisor for Lancaster. To my left is Joe Reina, the Town Attorney. To my right, Bob Thill, the Town Clerk. Don Kwak, Councilman, Bob Giza, Councilman. And I guess we probably should just give a little history on what brings us here this evening.

Several months ago, I have had several meetings with residents bordering Pine Hill's stone crushing operation on Pavement Road. Trying to work out an amicable solution to a quote, noise related problem, and unfortunately, we couldn't come to a solution. So we thought that we'd get together this evening on an informational basis to try to bring together all the parties to solve a

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problem. Not to create additional problem, but to solve a problem, and that is noise related to stone crushing operations.

We have a stenographer here tonight who will be taking your comments. Anyone wishing to speak will try to limit your remarks around three minutes. Please state your name and address, we would like the comments directed to the town board. After this meeting, we will go back and digest everyone's remarks and comments and take the appropriate action. We pretty much like to avoid any confrontation, between or among residents. So please, direct your comments to us. This is an informational meeting, we are trying to get as much information as we possibly can, to solve the problem.

MR. THILL: We do ask that when you speak to the board and give your name and you give your address, if you would give it slowly and spell your last name for the benefit of the stenographer, who is taking down the name and the address and certainly is not familiar with some of the names and addresses in the area.

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MR. GRECO: Would anyone care to begin? Anyone wishing to speak?

RICHARD GARMAN: I will. Mr. Supervisor, gentlemen, I am Richard Garman, G-A-R-M-A-N, live at 2690 Boman Road in Elma, and I am the president of Buffalo Crushed Stone Company. We are residents of the town, we share a quarry actually with two towns, part of our quarry located on Wehrle Drive in the Town of Clarence and part in the Town of Lancaster. The quarry is approximately nine hundred acres and this real estate has been existing since nineteen hundred and four. The boundaries are very clearly defined. We employ approximately thirty men from the Town of Lancaster and we do have some night operations. They are usually not crushing operations, but production of asphalt. That is because many contracts today are coming out so that the work has to be done at night because of traffic congestion and almost impossibility of doing some of this work during the day.

We enjoy a good relationship with the town. We'd like to continue it. We appreciate the

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opportunity of coming here and speaking tonight.  
Thank you.

MR. GRECO: A couple of questions. When you say night operations what do you mean night operations, and how frequently do you have these?

RICHARD GARMAN: The Thruway Authority is running a couple of the sections capacity, the section between the Williamsville toll barrier and Lackawanna barrier. And in order to perform work on that particular section, by specification, they are not allowing any work till after six o'clock at night, which must be completed before six o'clock in the morning, and that is putting some additional strains on some of these facilities..

MR. REINA: Could you describe the operations that you do at night?

RICHARD GARMAN: It's the manufacturing of the asphalt which entails taking some of the crushed stone crushed slag of different dimensions putting it into a hot dryer with some oil, known as an asphalt, that material is then blended, put into trucks and hauled out to the pavers that are placing it on the highway.

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MR. REINA: Is it hauled out at night?

RICHARD GARMAN: Yes.

MR. REINA: How late do you go at night?

RICHARD GARMAN: In a situation like that, we would be working, probably till four thirty in the morning.

MR. GRECO: What are your normal hours of operation?

RICHARD GARMAN: From six until five. Six in the morning until five at night.

MR. GRECO: Do you work weekends normally?

RICHARD GARMAN: We do not work weekends normally.

MR. GRECO: So your hours are six in the morning until five?

RICHARD GARMAN: And that staggers momentarily if someone has to load earlier, we may be in there at five in the morning.

MR. REINA: The route to the thruway is it a set route, truck route?

RICHARD GARMAN: When all the bridges are open, yes. Right now that's a bit of a problem.

MR. REINA: What would be the set truck route?

RICHARD GARMAN: Generally that traffic would be going to the thruway on Transit Road entrance and which would go straight down Wehrle Drive to

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Transit Road. Transit Road to the thruway. The alternates sometimes would be to go Genesee Street and take Genesee Street to the exit at the airport.

MR. REINA: Is the thruway work the cause of you having to do night operations or other customers demand that also?

RICHARD GARMAN: Most customers do not. It's primarily traffic problems that create this. So it's the Department of Transportation, New York State, or the Thruway Authority.

MR. REINA: Okay. Where is this night operation located in relation to the boarder of the property or in relationship to other homes that might be in the area?

RICHARD GARMAN: It's located about a thousand feet east of the intersection of Harris Hill and Wehrle Drive.

MR. REINA: Are there residential developments around there?

RICHARD GARMAN: Yes, sir, there are. Actually, about twenty-five years ago, Buffalo Crushed Stone donated the property across the street for the

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park, so that park does act as a buffer, as well, and we keep the trees as high as we can get them to grow and things like that, that do help to subside the noise.

MR. REINA: Has your -- do you know or aware of any complaints by any area residents where you are located about noise or dust or whatever else in that category, that is created?

RICHARD GARMAN: No, sir, we have had complaints, they are isolated one or two a year, we address them immediately upon hearing about them and our vice president of operations, who is with me and also the quarry operator who is with me and we give a diary of everything that does come in and what we have done with it and we also do the same thing for the Department of Environmental Conservation and the safety and health administration, so everything we do is monitored with them.

MR. THILL: Mr. Garman, do you have any noise abatement measurements that you've taken on your plant and if so, could you briefly describe them?

RICHARD GARMAN: We have taken several steps that have not worked out as favorable as we had hoped they

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would, i.e., using rubber screen cloth, rubber lined screen cloth which takes away a lot of the noise when the stone is contacting the metal. Unfortunately, it's economically almost unfeasible. We are getting poor results out of that type of approach. We keep planting trees and using trees which are a very good barrier and good sound suppressant. So, Tom, have we done anything else of any magnitude?

MR. REINA: Wait. Could you state your name?

TOM RASHFORD: Tom Rashford, R-A-S-H-F-O-R-D.

Basically just preserving the forest up there on the north side, I think is our biggest friend, and other rubber products, you know, the rubber liners that the stone would go into before they hit the actual crushing chamber of the crushers, you know, maintaining, we put the berm along the thruway side and maybe not directly it's got to help some, having the property burned to the south.

MR. REINA: When Mr. Garman mentioned that from time to time you receive complaints, what are the nature of the complaints and is there something unique that happens that causes the complaints

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since they are not routine?

TOM RASHFORD: If you were to look at possible east wind or something, or something that would, you know, just make any dust flow into the, out of the normal direction. Noise, I, I don't believe I have any noise complaints logged in any of my notes. Dust would be the occasional one. Then there's, you know, blast complaint, if you, I guess, consider that either a noise factor or vibration factor.

MR. REINA: Which way does the wind blow, predominantly?

TOM RASHFORD: East, northwest, southeast.

MR. REINA: Okay.

MR. GRECO: Thank you very much.

RICHARD GARMAN: Thank you very much.

GEORGE O'NEILL: I have a question for the board.

MR. REINA: State your name.

GEORGE O'NEILL: George O'Neill, O- apostrophe N-E-I-L-L, 111 Nichter, N-I-C-H-T-E-R, Road, Lancaster. It's -- I have never heard of a problem from Buffalo Crush, but I don't live approximately in that area. The question I have

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is the normal operation that they normally adhere to is six to five the exceptions which were noted by Mr. Garman and I can appreciate that. If we could just get a ball park figure of how often and what the hours are, I think it bears on what we are discussing. Do you understand the question?

MR. GRECO: I think he answered the question. Normal hours are six in the morning to five p.m.

GEORGE O'NEILL: But he did state on occasion, they have to work some other hours. I am -- just a ball park, first of how often and how long?

MR. GRECO: How often, how long do you have to work?

RICHARD GARMAN: I really can't be specific. It does depend on the contract that we are supplying material to.

MR. GRECO: I think that probably may answer Mr. O'Neill's question, because what you are talking about is you work longer hours to fit the job.

RICHARD GARMAN: Yes, sir, that's correct.

MR. GRECO: Does that help you?

GEORGE O'NEILL: Three months out of the year, weeks out of the year?

RICHARD GARMAN: No, not that. Five or six nights,

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this year.

GEORGE O'NEILL: Okay, that answers the question.

RICHARD GARMAN: I am not stating that's the normal.

GEORGE O'NEILL: I understand.

RICHARD GARMAN: Okay.

GEORGE O'NEILL: If what happened last year, you can't say what's going to happen next year.

RICHARD GARMAN: No, sir.

GEORGE O'NEILL: Okay.

MR. GRECO: At this time I'd like to introduce Councilman Thomas Van Nortwick. Any other comments? Sir?

GARY REINHOLD: Gary Reinhold, R-E-I-N-H-O-L-D, 119 Nichter. I have only lived on Nichter for four years. Up until this present past season particularly, it seemed the crushing went later when I first moved there, they worked maybe two shifts and there wasn't a real problem. This twenty-four crushing seemed to be a little bit out of the norm. The meeting we had here a couple months ago, it kept referring to they had a permit for mining, they don't do any mining there. That seemed strange to me that was the focus on their

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defense. And if they are spending -- they are having all this stuff trucked in. I work with transportation, that's got to cost them a fortune. Couldn't they maybe update their equipment, using the money saved, but not transporting, to fix that equipment?

MR. GRECO: Any other comments?

MR. REINA: What exactly is the effect on you, if any, of an operation that goes twenty-four hours?

GARY REINHOLD: I work a lot of hours, as I stated I am a traffic manager and I work twelve hours, fourteen hours on a given date, I go home I'd like to relax, layout by the pool, it soils the yard, soils the pool, soils the house and the noise factor makes it unpleasant. I moved out there to get away. I used to live in the Village of Depew, I moved away to go to the quiet. I paid good money, as well as my neighbors, and I imagine as a child, when I used to go swim Willow Beach it was always quiet there. It was quite on the weekends in the evening that's not the norm.

MR. REINA: Could you describe the noise?

GARY REINHOLD: You got your choices; you can talk

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about the highlift that moves around and hauls aggregate around, you got the beeper from it. You got the crushing sound from the stones, you know, or rock, I don't know exactly, I have never actually gone close enough to watch the operation, but to make, obviously big rocks into sand or whatever they are making, it's a lot of noise, it's not a constant flow. I mean, there's obviously different pitches, depending on how big the rocks are.

MR. REINA: Does this noise on occasion go all night long?

GARY REINHOLD: Yes, oh, yes.

MR. GRECO: Any other comments?

JEAN FERRY: Jean Ferry, F-E-R-R-Y, 125 Nichter. In comment to the noise, to the noise all night long, we can't keep our windows open in the summer and that's pretty annoying, I suppose, if you have air conditioning in your house it's not going to bother you. But you can't have your windows open. All summer, all night.

MR. REINA: Is this from noise --

JEAN FERRY: From the noise.

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MR. REINA: -- dust or both?

JEAN FERRY: More than anything the noise. So --

MR. REINA: What kind of noise do you hear?

JEAN FERRY: Same thing, the beeping, it's to the point when we've had company over in the summertime, that nine, ten o'clock at night, they'll even comment on the noise factor over there we have to deal with that all night. So --

MR. REINA: Do you feel that your use of the backyard and property is adversely affected by this?

JEAN FERRY: Yes, yes. My quality of life is affected by this, yes.

MR. GRECO: Sir.

MITCH DOBEIS: Mitch Dobeis, D-O-B-E-I-S, 1305 Broadway. Before everybody gets a little crazy I'd like to ask a question; where I reside, my house is ten feet off of Broadway, which is Route 20, tractor-trailers driving by, twenty-four hours a day, which there is a bridge marked just down the road, which is marked lower than what it is, they back up, past my house, keep me up all night. I have a set of Conrail tracks in my backyard. Can you people tell me who I can go to

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have these things rerouted so they go around my house and don't bother me?

MR. REINA: Is that a question you want an answer to or rhetorical?

MITCH DOBEIS: For instance, I heard a second ago, about why can't repairs be done on Pine Hill's machinery or updated to stop this know noise? What repairs are needed? What updates, if you are not even familiar with the equipment? You know, it's, it sounds a little crazy but if anybody could answer that, I'd like to hear it.

MR. REINA: Well, I imagine in regard to the transportation problems, you could, that's a state highway, you have to go to the state and the railroad, Conrail.

MITCH DOBEIS: That's what I figured I would get. But in regards to Pine Hill, there's no transportation at night, nothing, there's one piece of equipment that operates there at night, other than a washing plant, which is barriered by another lake that's down in the gully, I don't see how the noise could possibly travel.

MR. REINA: What is the other piece of machinery?

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MITCH DOBEIS: Excuse me?

MR. REINA: What is the other piece of machinery that goes at night?

MITCH DOBEIS: There's a Caterpillar highlift that would run over there.

MR. REINA: What does that do?

MITCH DOBEIS: It loads a stocking bin, actually feeds the plant, one bucket of material at a time and flows to the hopper which goes up on the conveyer and goes through the washing plant.

MR. REINA: Is this large stone?

MITCH DOBEIS: No, gravel, if you've ever been in a creek bed, it's gravel of that type, a lot of sand, a lot of clay, you know, you are not talking rocks that are four feet in diameter.

MR. REINA: This is after it's crushed?

MITCH DOBEIS: No, there's very little crushed. Most of it is just washed and sized, you know, if you crush a lot, I really don't know, I don't get involved with that end of it but I am going to say, that the rock is probably, oh, I am going to say, twelve inches, tops, in diameter, but.

MR. REINA: Then you mentioned a third thing, gully?

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MITCH DOBEIS: No, in regards to lake, a natural barrier.

MR. REINA: Yeah.

MITCH DOBEIS: Between Pine Hill's wash plant and Nichter Road, there is a tree stand, a lake, another tree stand, it's actually isolated. I don't know if you people have ever been out to view the property at all.

MR. REINA: Let's not lose it now. Let's take one person at a time. Are you done, sir?

MITCH DOBEIS: I guess, yes, sir.

MR. GRECO: Ma'am.

LUANNE BROWN: L-U-A-N-N-E, Brown, 133 Nichter, Lancaster. I think the issue -- I don't want to address the equipment, honestly I don't understand the equipment. I think the basic problem, I have to agree with the people who live on Nichter, who moved out there for the purpose of quiet and the solitude. We've lived there two years and it is disturbing in the summer. Whether there's barriers or not in the middle of a summer night, if you can't keep your windows open, it's stifling in your house, especially if you are upstairs with

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children. So I think that that's a valid thing. Certainly we are not making that up, the noises are very real to us. I can't address the equipment issues, but I think that the noise factor is -- does impede, you know, when we want to sit down on the porch in the summer, sit in the backyard with friends, and you have to listen to the noises, the beeping and grinding. It does impact us, I think that's a valid point. That's echoed by all the people that live across the street from Pine Hill.

MR. GRECO: I know there's representatives from Pine Hill, do they care to comment on the --

TOM ZICCARELLI: We will get there.

MR. REINA: I think what -- let me ask a question and anyone who wants to address it can stand up. Is there a problem with the stone crushing and dust operation during the daytime, normal working hours that you want to, that you include in your remarks to the board, or are you separating in your mind daytime operations from nighttime operations in terms of its impact on you?

GEORGE O'NEILL: There may be some individuals here

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who have a dust problem or whatever, but I think we'd like to make it very clear, that the majority of the people that have come to us, or we have talked to them, have been concerned about the evening and night hours. Now there are some people that are affected by dust of we get a little dust, we always did and we will get that during the day. We are not asking to close Pine Hill down. We are merely talking about evening and night hours which were never done until about 1988 because they closed another plant. And we just figure it's inconsiderate and several people from Nichter Road have talked. But there are people here from Pavement Road and Westwood Road, in fact somebody from way up on Pavement, almost to Broadway approached me the other day and I said if it bothers you, come to the meeting. Well, I know it and it bothers me, but what really bothers me is the dust when I drive down Pavement Road. I said that isn't what this is about, that's another subject. So to answer your question, it's the evening and night hours. That's all. That the majority of the people who are here are

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addressing.

MR. GRECO: Mr. O'Neill, when you say evening hours, till what hour would you be able to, say, tolerate the noise, if they were open until eight o'clock at night, nine o'clock at night, ten o'clock at night? Is that a problem?

GEORGE O'NEILL: As far as the crushing is concerned, we've come to the conclusion, the majority of the people we've talked to, is that five or six is the end, as far as the crushing. If they want to do maintenance work, they want to do other things, we can live with it. Just as we live with it in the daytime. But when you are inviting guests and trying to have a cook out in your backyard and everybody packs up and goes in the house, it's not only embarrassing, it's a real pain and this is where the problem rests. Now you'll get into ten, eleven, twelve o'clock and through the night, then you are disturbing someone's sleep, then they get real upset. And there are a couple of us that have been kind of tried, we started a year ago, to do something about it. People have come to us. We are probably, there's a couple of us that are

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probably getting a bad name around town, but it keeps me up, I know that. If I wake up at three in the morning and I hear it, I am shot for the day. And there's a lot of other people. I, unfortunately, and a lot of us, don't have air conditioning, so we keep the windows open. We try to. We have to close them, turn on fans, do whatever we have to. But anyway, we are getting off on a tangent.

The main concern of the majority of the people that brought this thing to a head is evening and night hours. And while we are on the subject, I might as well bring this up. If the plant operated crushing stone, the noise factor, that's really bothering us, ran twenty-four hours, we might understand it. But it doesn't. Seven o'clock in the morning it shuts down and it's very very often quiet until ten, eleven or noon. Okay. There's maintenance to do, there's repairs to do. Do it from five till nine in the summer, in the evening, what's the difference? You just going around the clock a little differently. Why should the loudest operation, the most intense, be

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concentrated in the evening and especially from midnight till six to seven? Now that's a fact. That's what we don't understand. That's where the big problem is. If it ran twenty-four hours, we'd say okay, they need the production, blah, blah, blah, give us all the reasons in the world. Why is it quiet in the morning? Everybody is up at it and gone, if there's noise, we ignore it. We are not trying to have a cook out, we are not inviting guests over, we are not trying to take a nap, you name it. That's where the real problem is at.

MR. GRECO: Anyone else?

TOM FERRY: My name is Tom Ferry, I live at 125 Nichter. You had a question as far as other people who had other concerns. There are about six people who decided to go to Miami to watch the Bills play they are not here.

MR. GRECO: Their opinions don't count, if they are in Miami, they don't count.

TOM FERRY: I have a letter written by one of the neighbors, he basically starts off with no one wants to see any more employment curtailed in your

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area, nobody in Lancaster, New York or Erie County. However, all employers are held accountable for their actions, as we are all aware, agencies such as the conservation department, DEC and OSHA set the policies that industries must adhere to, although some things can be grandfathered noise abatement and creation of hazardous conditions are not. For example, Buffalo Crushed Stone on Wehrle Drive, presently enjoys a very amicable relationship with their neighbors. I believe that all of this is being asked of Pine Hill is the same consideration. Nothing more, nothing less. The noise factor, especially in the summer hours, in the summer months is bothersome to say the least between the hours of ten p.m. and six a.m. It is the -- by far the disturbing can be heard as far away as Route 20, Erie Street, naturally Westwood, Ransom Road and Nichter Road, all residential areas which will be, be obviously expanded in the future. The hazardous condition alluded to previously occurs on a constant basis during dry periods, Pavement Road often times becomes a virtual dust storm, at

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times cutting visible to mere feet. During periods of precipitation, it becomes slippery because of the slip coating, but drainage has totally been disrupted by a mound that stops the flow of water into the hollow, just north of Nichter Road, is often times covered by one to four inches of water following from the west to the east side of Pavement Road. When two vehicles pass through this area at the same time, windshields become covered with mud and water coating that creates almost zero visibility until the driver reaches the Nichter Road intersection, if traveling on southerly direction on Pavement Road. As you know, we residents are not requesting a curtailment of employment nor are we requesting Pine Hill cut back production, resulting in a loss of profit. I believe all we are asking for is the same consideration that others allow their neighbors in similar conditions. As an employer and viable enterprise in the Lancaster area, we feel Pine Hill must be held accountable for conditions created as we all are. We hope for an expedient resolution to the

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matter. Sincerely signed Robert A. Wolen, Nichter Road, Lancaster, New York.

So there are some concerns about dust and there are -- and the other situation on Pavement Road specifically. Since I am up, I'll just comment the fact that I think every resident in Lancaster should have the ability to sleep at night and raise their family in a quiet environment. I also operate a business in Lancaster. I think every business in Lancaster should be interested in maintaining and increasing employment and turning a profit. As a businessman, I have a responsibility to show concern and respect for my neighbors. Really all we are asking is that Pine Hill show the same responsibility, have the same obligations, show the same concern. Thank you.

MR. GRECO: Anyone else? Are you ready to make comments or do you want to wait?

JOHN BAILEY: I am John Bailey, I am the attorney for Pine Hill and our position tonight is we are here to listen and learn, we have no formal response to any of the comments tonight.

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MR. GRECO: Okay. May I ask a question? I'd ask, and I did some research and Mr. Garman is here and he's attesting to some of the information I obtained not only from Buffalo Crushed Stone and other quarries. I guess what has a lot of people puzzled is the need, a regular need, to operate twenty-four hours when there are other quarries that don't, unless, there's a job that dictates that. I think that's probably the answer everybody is here to try to understand, you know, why is it a regular, twenty-four hour operation when other quarries are six in the morning till five, that's what we don't understand?

JOHN BAILEY: As I indicated, tonight, we are hear to listen, we are not hear to make any formal comment, we are not here to expound on any of the comments made from the floor.

MR. KWAK: You plan on answering any of the comments to the board in any manner?

JOHN BAILEY: At this time, as I said, we are discussing things. It's premature for us to respond --

MR. KWAK: If you do answer any of the board's

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questions, one of the comments had by Mr. O'Neill I would like answered, if it is in deed fact, I am assuming it is, why there's a shut down or quiet period from seven a.m. to ten or eleven in the morning? I'd like to know, if you do answer the board.

MR. GIZA: I am a little concerned. You knew what the hearing was about. You are coming here as a fact finding group to get pro and con from both sides, you must have known you would have questions. You are not prepared to answer anything? To make any comments at all?

JOHN BAILEY: I'll repeat myself one more time; we are here to listen, as I understand it, the issues are being defined tonight. For us to respond properly, we have to hear what everyone has to say and digest it, for us to speak prematurely on the record would be unfair to you, to the people who are here making comments and unfair to the ultimate result for us to speak from the cuff doesn't solve the problem, it probably would exacerbate the problem.

MR. KWAK: Weren't there issues before sent by letter,

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meetings before back in June?

JOHN BAILEY: Councilman, if you are saying, if you are saying you expect us to --

MR. KWAK: No, I asked a question. Were their meetings or letters sent in June to your firm?

JOHN BAILEY: I don't have a copy of them. And if indeed, you are requiring a formal response from Pine Hill, on the record, in this forum, I suggest that perhaps an adjournment of this hearing is appropriate. Because we are not ready to respond.

MR. KWAK: I am not asking for a response, I am asking for if there were meetings in June?

JOHN BAILEY: I have given you my answer.

MR. KWAK: Which is no answer?

MR. GRECO: Right. It is no answer. The point I want to make, we may have a resolution dealing with this at our next town board meeting, and I just want you to know, that resolution may be on the basis of what is said and heard tonight. Now, are you people going to look at us as being unfair if we put a resolution together that you may feel, well, you know, if they had our comments, maybe they wouldn't have thought along those lines. You

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are putting us at a disadvantage, because you are not sharing information with us that we need to help remedy the situation. Now if you don't want to mention anything tonight, fine, but I am just saying that some how, some way, you should make some comments to this town board, I would imagine probably within the next two weeks and that's all I am saying. I think, you know, I don't know how the rest of the town board feels.

JOHN BAILEY: Supervisor, again, I don't mean to be disrespectful, I don't mean to somehow diminish what you are proposing here tonight, this is a serious issue for Pine Hill, I appreciate this is how they make their money, how they employ, how they pay the six thousand in taxes that comes into Lancaster, this is not something they consider idly, perhaps again, I should reiterate to speak from the cuff at this point is to do you disservice. If you have a specific question, I'll ask the people from Pine Hill if they can respond to that specific question, but my request is that it's limited to that specific question, if they don't have specific information to respond to

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that, that you give them the opportunity to get that specific information.

MR. GRECO: Well, so far there have been two questions raised.

JOHN BAILEY: And specifically those two questions are?

MR. GRECO: Why the need for the twenty-four hours and why the down time between the hours Mr. O'Neill said.

GEORGE O'NEILL: That isn't in stone, sometimes it's in the afternoon.

MR. KWAK: No.

MR. REINA: Please, gentlemen.

GEORGE O'NEILL: I am sorry.

MR. REINA: I don't want to sound like the judge, but we'd like to keep the record straight.

JOHN BAILEY: The specific questions of the down time and operation overnight.

BOB LEWCZYK: My name is Bob Lewczyk, L-E-W-C-Z-Y-K, 123 Sinne Road, S-I-N-M-E. I am in charge of the maintenance and keeping the plant running and we do all our maintenance Saturdays, the plant starts up Monday morning, we run around the clock, we do not have a shut down time in the morning for a

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couple of hours. The guys will shut down for a couple minutes, maybe to check some of the stuff and fire it back up. All the maintenance is done on weekends. This year, the crushers probably had to run maybe half of what they had in the past, with the type of gravel and sand we got washing and we are probably, last two months the crusher on the plant hasn't even run right now.

MR. KWAK: So, I don't mean, I don't look for an argument, I am looking for information. So the comment that was made that it seems to be quieter between seven and ten or seven and eleven, whatever the case may be, is that fact -- let's not use the word shut down, quieter, is that?

BOB LEWCZYK: It's the same, same right around, ten o'clock at night or ten o'clock in the morning.

MR. REINA: Are you saying that your stone crushing operations have gone twenty-four hours a day with very temporary shut downs to check things?

BOB LEWCZYK: Knock on wood, we've gone all week, maintenance is done on the weekends.

MR. REINA: And during -- when is the height of your season in terms of demand and customers? If you

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want to answer that?

TOM ZICCARELLI: Tom Zicarelli. Would Pine Hill --  
ask the question --

MR. THILL: Would you spell your last name?

TOM ZICCARELLI: Z-I-C-C-A-R-E-L-L-I.

MR. REINA: Let's just go back. My question and the  
answer I think received was, that the plant has in  
the past gone twenty-four hours a day stone  
crushing operation?

TOM ZICCARELLI: The plant has run twenty-four hours a  
day, stone, sand processing operation. Crushing  
is just a mere part of the whole operation. Mr.  
O'Neill's question earlier. I am going to step  
back shortly, about why it seems to shut down  
during the day, there's three days during the  
week, Monday, Wednesday, Friday, we turn off  
approximately seven o'clock because seven o'clock  
is the change of shift from third shift to first,  
during that time, the plant screens are checked,  
the plant is greased and it's fired back up. This  
is done at that time because it's a brand new  
shift and it's daylight and it's easier and safer  
for the plant operator to be working on the

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plant. Your other question having to do with peak? I am sorry.

MR. REINA: Well, before I get to that. Typically, how often in any twenty-four hour period, during the regular work week, is your stone crushing operation operating?

TOM ZICCARELLI: The crusher is part of the plant, it runs constantly along with the plant. However, during the June meeting, Mr. Greco requested that we try to run a sandier product in the evening hours to minimize the noise from the crusher. Mr. Greco visited the facility, he was given a rather quick tour of the operation, he was shown the background material that was stocked on the ground and we agreed to run a sandier product in the evening, to try to minimize the sound. The other thing, things that were done to minimize sound were wooden walls, wooden structures on the Nichter Road side of the plant near each screen and the crusher. We also waited until April, to start running the three shifts, which was later for us than ever in the past and we also said that we are going to try to build the sand stockpile up

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as high as possible, as quickly as possible to help minimize the noise.

MR. KWAK: So is that what the minutes of that meeting of June 15, the verbal agreement to eliminate louder operation in the evening hours and overnight, was a sandier base to what you just explained, was that what these notes, I am assuming you saw these notes? You were one of the people in attendance at that meeting?

TOM ZICCARELLI: Yes, sir. Back --

MR. KWAK: Is that what you mean what you just explained?

TOM ZICCARELLI: Yes, sir.

MR. REINA: When you say -- I am a novice to your operation, I know nothing about it. When you say you crush sandier items at night, is that smaller stone to begin with, breaking up?

TOM ZICCARELLI: No. We have this sand and gravel operation a courser bank run, if you will, and a finer material, finer sand. What we try to do in the evenings is run more of a sand which is purely washed, very little material goes into the crusher.

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MR. REINA: When you -- in your operation, you take big pieces of stone and break them down into different numbered stone?

TOM ZICCARELLI: The largest stone we have is a twelve or one foot size rock and that runs through the crusher. Yes, the idea of that is to crush it down to smaller pieces.

MR. REINA: And each, then there's sizes, numbered sizes, right?

TOM ZICCARELLI: That's correct.

MR. REINA: How often on a twenty-four hour day, twenty-four hour period, typically, how often, how many hours of that period, are you crushing the bigger stone into a smaller stone? You can't answer that?

TOM ZICCARELLI: It's kind of a loaded question. As stated you have a courser product, that you put through it and you have a fine product that you put through the plant. We try to concentrate the finer sand toward the evening, as far as pure hours, probably sixteen.

MR. REINA: Sixteen hours what?

TOM ZICCARELLI: Out of twenty-four.

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MR. REINA: That you are breaking bigger stone down into smaller stone?

TOM ZICCARELLI: Yes.

MR. REINA: Then the sand is -- you are not starting with stone to begin with, the sand?

TOM ZICCARELLI: No, sir.

MR. REINA: You are just washing what you have broken down to sand?

TOM ZICCARELLI: Along with the sand that is natural out of the ground. And we have also, done the same things that Mr. Garman explained at Buffalo Crushed Stone, we've lined all of the chutes with this, we've gone to rubber screens, polyurethane flexing screws, all in an effort to minimize as much noise as possible.

MR. GRECO: Mrs. Ferry?

JEAN FERRY: There was not very much of a difference after that June meeting, I have to say occasionally, but it wasn't a consistent thing. So, you know, this verbal agreement, I think you can ask everybody here, I don't think it was upheld.

MR. REINA: Do you run this sand operation at night

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continual or are you forced to break bigger rocks into smaller rocks at night?

TOM ZICCARELLI: Mr. Reina, with all due respect, I think that as I have taken Mr. Greco through the operation, I think that, to get a true understanding of what we do at that facility, it wouldn't be a bad idea for you to take a ride with us, because we keep hinging on this crushing. And the crushing operation seems to be the crux of all of this. We've brought up the back up alarm on the loader, I remember recalling at the June 1st meeting, we were told don't worry about the back up alarm, that's not bothering us, we heard Mr. O'Neill, if we had to run twenty-four hours, as long as you didn't shut off the seven until ten o'clock, as you pointed out, you have to run it, we understand that. No, no, this crushing operation we, we did do what Mr. Greco asked, we did try to concentrate on washing sand in the evening as much as possible. A bank run sand, whatever is there, is there, if it turns out a rock in it or some rocks, I am talking about rocks, I am talking again, size twelve maximum,

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three and four inch stone, not boulders. Our plant wouldn't handle that. And I think a tour through, you'd understand it and get the idea.

MR. GRECO: Question?

ROSE CRZANOWICZ: My name is Rose Crzanowicz, 145 Nichter Road, C-R--Z-A-N-O-W-I-C-Z. I commend the people for doing what they are trying to do for the people in the area. But it has not worked. The noise is still there. It sounds the same to me during the day as it does during the night. Whatever barriers they have put up, has not helped the matter. When he says sand, everybody thinks of sand as I sandy beach, no sound coming through sifters, that is not the case. It sounds like boulders, constantly rolling and rolling and rolling. I have, I am a business woman, I have dealt with attorneys. Their attorney, what he has said to the people of Nichter Road and the area, nothing will be done. I deal with attorneys on a daily basis, I know how they work.

MR. GRECO: You are a town attorney, it's different. You are a public servant. Any other comments? Sir?

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GARY REINHOLD: Gary Reinhold again. I guess my question is, is one of the gentleman spoke I didn't turn around to see him. He was talking about starting up his crushing operation as late as April, why wait until then, when everybody is closed up, who would hear half the stuff. There would be a heck of a lot stuff through closed windows, which was our complaint was in the summertime to eliminate noise. People had storm windows that they don't have in the summertime. Why not crush all winter long the bigger stuff and stockpile it. I don't know. But I mean that would be my question.

MR. GRECO: In the back please?

LEE McBRIDE: 92 Field Avenue, Lancaster, New York. I got a question. Has anybody did a sound study on what's going on, the town? The company? The taxpayers? Has anybody done anything like this? What type of noise we are dealing, dealing with a neighbor putting on his neighbor, and it's a constant station you don't like or something a bit worse than that? I know we can't control something like that, you have to find out what

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kind of noise. I don't live there, I can't tell what kind of noise it is. Answering the gentleman's question, I buy material out of the plant, to answer the question why they don't crush at Pine Hill. Water freezes in the winter, otherwise they'd be glad to operate in the wintertime. Due to Buffalo, New York, we can't deal with the elements. We have six months on average. This has been the shortest season I have been in business. Start out April 20th I think it was because we had a real couple bad weeks. Usually we start out like at the end of February, here we are we are dealing with the snow outside already. That takes our season and puts it down, it's about five months the amount of material that you are going to need to get you through the winter for your operation, I think that should be taken into consideration also. But I am really concerned about the decibels and what's going on with the amount of noise that's coming with the plant. Nobody seems to say it's twenty decibels. OSHA has legislation for the person working on the plant to be protected on the plant. I am not

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saying that the homeowners should walk around with the ear protection. By the same token, I think we have to get down to it. Because that will make a difference. Penn Central has a railroad. When they go by, how much noise do they make? How much noise do the trucks make? How much noise do the cars with no mufflers make? I know it's hard on the people because they live there twenty-four hours a day, at nighttime, we like to sleep, I know I like to. By the same token, we have to know what the problem is, I don't think that anybody said it's fifteen decibels, two decibels. But, once you find out what the noise, if it's in the distance and constant noise, it's going to be aggravating to tolerate, I think we have been tolerant on what's going on with one another between Pine Hill and the taxpayers, they have to find out and see what the noise element there really is to be heard.

MR. GRECO: Any comments? Others?

KEITH GORDON: Keith Gordon, I live at 277 Pavement,

G-O-R-D-O-N. I am greatly appreciative of a nice silent Saturday. I do notice at night it is quite

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loud in the area, loud enough that in the summertime you have to keep your windows shut. Any time that they are shut down, it's very nice in the area, very pleasant. I don't like to see any businesses move out of the area, I don't like to see any jobs lost. In fact, I'd like to see them increase the crushing during the day, if they could fulfill their needs throughout the night, so they could shut down at after eleven o'clock or so.

MR. GRECO: Anyone else?

JEAN SUCHORE: Jean Suchore, S-U-C-H-O-R-E.

MR. THILL: Your address?

JEAN SUCHORE: 59 Bloomfield.

MR. THILL: Thank you.

MR. GRECO: Your comment?

JEAN SUCHORE: Pardon?

MR. GRECO: Your comment?

JEAN SUCHORE: When we talk about noise, I live on Bloomfield, as I stated, you take two Harley Davidsons with straight pipes on them, all night long, running around the village, you got a fire whistle right above you, that takes you right out

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of bed, you got a post office truck that comes in, we got to the stop the mail. We got post offices banging the iron racks around, at four in the morning, we got movers down on the railroad, we have fire bomb or cherry bombs, that will wake you. Now we got the fire trucks above the whistle. When they leave they got the air horn going. Nobody sleeps in that village. I like to pitch my tent in front of these people's home and get a good nights sleep.

MR. GRECO: Any other comments? Any questions from the town board?

Well, I want to thank you, everybody, for coming. The information will be digested by the town board and we will act accordingly. If you have any other comments anyone wishes to make, please contact my office or anyone of the counsel's, and we appreciate you taking the time to attend this evenings meeting.

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ADJOURNMENT:

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ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD  
AND CARRIED, the meeting was adjourned at 8:05 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk

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